

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT O. BOYD,

Defendant.

4:13CR3116

PRELIMINARY ORDER OF FORFEITURE

This matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 42). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement (Filing No. 36), whereby he has agreed to plead guilty to Count I and the Forfeiture Allegation of said Information. Count I charged the Defendant with possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1). The Forfeiture Allegation sought the forfeiture, pursuant to 21 U.S.C. § 853, of the following properties on the basis they were used or were intended to be used to facilitate said controlled substance violation and/or was derived from proceeds obtained directly or indirectly as a result of the commission of said controlled substance violation.

- a) \$777 in United States currency seized from 2323 Old Lincoln Highway, Grand Island, Nebraska on September 13, 2013;
- b) A 2012 Homemade Bobber motorcycle seized from 2323 Old Lincoln Highway, Grand Island, Nebraska on September 13, 2013, which has a VIN of 121299912129025NE; and
- c) \$7,622 of United States currency seized from 2323 Old Lincoln Highway, Grand Island, Nebraska on September 16, 2013.

2. By virtue of said plea of guilty, the Defendant forfeits his interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 21 U.S.C. § 853.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Information and the Defendant's plea of guilty, the United States is hereby authorized to seize the following properties:

1. \$777 in United States currency seized from 2323 Old Lincoln Highway, Grand Island, Nebraska on September 13, 2013;
2. A 2012 Homemade Bobber motorcycle seized from 2323 Old Lincoln Highway, Grand Island, Nebraska on September 13, 2013, which has a VIN of 121299912129025NE; and
3. \$7,622 of United States currency seized from 2323 Old Lincoln Highway, Grand Island, Nebraska on September 16, 2013.

C. The Defendant's interest in the aforementioned properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The properties are to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site (www.forfeiture.gov) notice of this Order, Notice of Publication evidencing the United States'

intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject currency must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

ORDERED this 28th day of March, 2014.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge